

REMARKS/ARGUMENTS

This Amendment is submitted in response to the second Official Action of February 26, 2007, and is believed to place all claims in condition for allowance for the reasons that follow.

Claims 3, 6, 9 and 12 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Office Action indicates that these claims are indefinite "since the applicant fails to disclose whether the diameter refers to the expanded or constrained configuration". Applicants' attorney would respectfully point out that the diameter of the metal strands remain the same whether the braided structure made from the stands is in its expanded or constrained configuration. This rejection should, therefore, be withdrawn.

The objection to claim 13 based upon 35 U.S.C. §112 has been cured by canceling claim 13 and presenting same in independent form as newly added claim 16. Claim 16 makes it clear that the proximal and distal ends have means for **independently** securing the plurality of braided strands comprising the inner and outer metal fabrics together.

Concerning the rejections on the merits, claims 1-7, 9, 12, 13 and 15 have been rejected while claims 8, 10, 11 and 14 have been allowed. By the present amendment, the limitations of allowed dependent claim 14 have been incorporated into independent claim 1 thereby rendering claim 1 allowable. With claim 1 now allowable, dependent claims 2-12 and 15 are also now allowable. Dependent claims 13 and 14 are now canceled.

Claim 16 is patentable over the references of record. The published Evans application 2001/0031981 A1 does not reach or suggest a medical device having an outer metal fabric of braided metal strands surrounding an inner metal fabric also of braided metal strands that are shaped to create an occlusion of an abnormal opening in a vascular organ as called for by claim 16. Instead, Evans discloses an atherectomy tool used to cut through plaque buildup in a blood vessel or the like. A motor 22 rotates an inner cutter 18 relative to an outer cutter 20 as the device is advanced across a stenotic lesion in the

blood vessel. Clearly, the device is not made to occlude in that the relative spacings of the cutter blades and the net 33 surrounding same for capturing particles of plaque are too open to preclude blood flow therethrough. In fact, the Evans et al. patent seeks to minimize obstruction to blood flow during the thrombectomy procedure.

Concerning the rejection of claim 3 based on the Gray et al. published application (US 2003/0074019A1), it appears that claim 3 is being misread. It is the wire size difference that is claimed, not the diameter of the outer layer.

In that claim 16 is allowable, so, too, are dependent claims 17-28 that depend either directly or indirectly from allowable claim 16.

Newly added independent claim 29 comprises allowed claim 10 presented in independent form. Thus, claim 29 is allowable. Claims 31-39 that depend from claim 29 should also now be allowed.

By way of summary, then, appropriate amendments have been made to rewrite allowed claims 1 and 14 in independent form as claims 29 and 39, respectively. Further, the amendments made to independent claim 16 overcome the 35 U.S.C. §112 objections and make it patentable over the cited references. Claim 16 along with dependent claims 17-28 should now be found allowable.

With all claims either allowed or now in allowable form, an early Notice of Allowance is respectfully requested.

Respectfully submitted,

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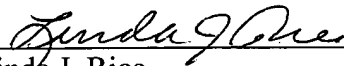
Serial No. 10/804,993
Amendment Dated March 20, 2007
Reply to Office Action of February 26, 2007



CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment in response to the Official Action of February 26, 2007, in application Serial No. 10/804,993, filed on March 19, 2004, of Kurt Amplatz, et al. entitled "Multi-Layer Braided Structures for Occluding Vascular Defects" are being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on March 20, 2007.

Date of Signature: March 20, 2007.



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